

1 KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
2 BRIAN L. FERRALL - # 160847
DAVID SILBERT - # 173128
3 MICHAEL S. KWUN - #198945
ASHOK RAMANI - # 200020
4 633 Battery Street
San Francisco, CA 94111-1809
5 Telephone: (415) 391-5400
Email: rvannest@kvn.com;
6 bferrall@kvn.com; dsilbert@kvn.com;
mkwun@kvn.com, aramani@kvn.com

SUSAN CREIGHTON, SBN 135528
SCOTT A. SHER, SBN 190053
VICTORIA L. JEFFRIES, *PHV To Be*
Submitted
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
1700 K Street NW, Fifth Floor
Washington, D.C., 20006-3817
Telephone: (202) 973-8800
Email: screighton@wsgr.com;
ssher@wsgr.com; vjeffries@wsgr.com

7
8 JONATHAN M. JACOBSON, NY SBN 1350495
CHUL PAK, *PHV To Be Submitted*
DAVID H. REICHENBERG, *PHV To Be*
9 *Submitted*
WILSON SONSINI GOODRICH & ROSATI
10 Professional Corporation
1301 Avenue Of The Americas, 40th Floor
11 New York, NY 10019-6022
Telephone: (212) 999-5800
12 Email: jjacobson@wsgr.com; cpak@wsgr.com;
dreichenberg@wsgr.com

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14 Attorneys for Defendant ARISTA NETWORKS, INC.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 CISCO SYSTEMS, INC.,

19 Plaintiff,

20 v.

21 ARISTA NETWORKS, INC.,

22 Defendant.
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Case No. 5:14-cv-05344-BLF (PSG)

**DECLARATION OF DAVID SILBERT IN
SUPPORT OF ARISTA'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: August 1, 2016

1 I, DAVID SILBERT, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and admitted to
3 practice before this Court. I am a partner at the law firm of Keker & Van Nest LLP and counsel
4 for Defendant Arista Networks, Inc. (“Arista”) in the above-captioned action.

5 2. I have personal knowledge of the facts stated herein and, if called as a witness, I
6 could testify competently thereto.

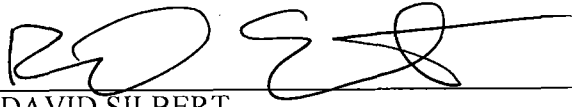
7 3. Arista has filed the accompanying Administrative Motion to Seal not because it
8 believes any of the material at issue is sealable, but because Plaintiff Cisco Systems, Inc.
9 (“Cisco”) has designated it CONFIDENTIAL or HIGHLY CONFIDENTIAL under the Stipulated
10 Protective Order. While that designation does not bear on the actual merits of a sealing request—
11 or on this Court’s decision—it does require Arista to redact the following excerpts and documents
12 from its initial filing:

- 13 • In Arista’s Motion for Leave to Amend Response to Add Counterclaims (“Motion
14 for Leave”), the redacted portions at 1:10–11, 1:12–14, 2:11–12, 2:13–14 and
15 2:19–20 contain excerpts from documents that Cisco has designated
16 CONFIDENTIAL or HIGHLY CONFIDENTIAL (“Cisco Designated Material”);
- 17 • In Arista’s Counterclaims, the redacted portions at ¶¶ 3, 19, 21, 24–25, 27, 31–33,
18 64, 66, 72, 74, 80–81, 83, 85, 90, 96, 110–11, 113, 120–21, 124, 128 and 130
19 either cite from or rely on information contained in Cisco Designated Material;
20 and
- 21 • Exhibits A–H to Arista’s Counterclaims, which are or contain Cisco Designated
22 Material.

23 4. To be clear, all of the material at issue in the Administrative Motion to Seal is
24 Cisco’s, and Cisco bears the burden of proving that there are “compelling reasons” for keeping it
25 sealed. Arista neither believes that these excerpts or documents are sealable, nor is it requesting
26 that the Court seal any of its own (*i.e.*, Arista’s) material.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct, and that this declaration was executed on January 25, 2016, in San Francisco,
3 California.

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6 DAVID SILBERT